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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,100	02/12/2002	Makoto Sakaki	F1866.0002/P002	3712
7590	03/26/2004		EXAMINER	
Steven Weisburd DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 41st Floor 1177 Avenue of the Americas New York, NY 10036-2714			HAMILTON, KIMBERLY Y	
			ART UNIT	PAPER NUMBER
			2635	
DATE MAILED: 03/26/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/073,100	SAKAKI, MAKOTO	
	Examiner Kimberly Hamilton	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 February 2002.

2a) This action is **FINAL**.                                   2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All   b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "type" in claims 1-14 are a relative term which renders the claim indefinite. The term "type" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-14 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Asakura (US 6460073).

Regarding claims 1 and 8, Asakura, who discloses a method and apparatus for transmitting and receiving electronic mail based upon user availability, teaches

an arrival information dealing means for transmitting data arrival information (electronic mail 1) through a network (col. 4, lines 30-33). In addition, Asakura teaches the consideration of each user is taken into consideration, because the users 2-1 to 2-n have their separate identification, which is stored in the user access data memory 30 (col. 4, lines 34-42).

Regarding claims 2, 6 and 9, Asakura teaches, as aforementioned, teaches an arrival information dealing means for transmitting data arrival information (electronic mail 1) through a network (col. 4, lines 30-33). In addition, Asakura teaches the consideration of each user is taken into consideration, because the users 2-1 to 2-n have their separate identification, which is stored in the user access data memory 30 (col. 4, lines 34-42). Furthermore, Asakura teaches a receiving means for the reception of the data arrival (read as electronic mail 1) (col. 4, lines 30-32). Asakura also teaches a terminal (device) type storing means, which is read as a user setting memory portion 3 (col. 4, lines 46-48). Moreover, Asakura teaches a data arrival information type determining means (read as transfer device determining means 60) that determines the appropriate device of the user 2-j from the user setting memory 3 (col. 8, lines 27-33). In turn, the data (electronic mail 1) will be converted (or edited) into a receivable form for the devices before being transmitted to the addresses. The terminal may include a facsimile, a mobile phone, and the mail system 10 (col. 8, lines 34-42). Henceforth, the electronic mail system makes it possible to automatically switch the electronic mail 1 either to

transfer or not transfer in accordance to the environment of the user (col. 8, lines 61-64).

Regarding claims 3 and 10, Asakura teaches the mail system 10 to have a means to convert (or edit) the data arrival information to suit the device of which the type of data arrival information to be transferred to the corresponding address (col. 8, lines 38-42).

Regarding claims 4-5 and 10 and 12, Asakura teaches the electronic mail system 10 that transmits and receives arrival data (electronic mail 1) through a network (col. 4, lines 30-33). Asakura, as aforementioned above, teaches that the electronic message can be edited to fit the format of the terminal of reception (col. 8, lines 38-42). The user terminal information is stored within the user setting memory portion 3 (col. 8, lines 32-33). Henceforth, in the event that the data arrival information is to be transmitted to the auxiliary transfer devices (terminals), such as cell phones and facsimiles, the radio network, transfer protocol, and connecting systems are automatically taken into consideration (Asakura demonstrates the concept in col. 8, lines 34-38).

Regarding claims 6 and 13, Asakura teaches as aforementioned regarding claims 2 and 9, also teaches that the data obtaining request can be made by the user(s) 2-1 to 2-j (col. 9, lines 9-13).

Regarding claims 7 and 14, Asakura teaches that the terminal type as being read out and stored within the transfer device determining rule memory portion 80,

that stores the transfer device (terminal) of each user 2-1 to 2-j to determine the user's location of the terminal as being a "portable terminal" (col. 9, lines 57-65). In turn the terminal information is stored in the event that the user information can be obtain for the appropriate transmission of data.

*Conclusion*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- McFedries, Paul "The Complete Idiot's Guide to More Windows 98" e-book, Alpha Books, 1998, teaches about the Windows operating system that enables a user to store terminal information, the customize the settings to suit his/her taste, and data arrival information.
- Robichaux, Paul "Managing Windows NT Registry" e-book, O'Reilly and Associates, 1998, teaches the ability for users to customize his/her desktop settings to suit his/her tastes, and the ability for user terminal information to be stored.
- <http://my.yahoo.com> enables a user to customize his/her homepage settings of his/her interests, and the information would be stored.
- Sone (US 6489977) teaches a data reception information display.
- Maatsura (US 6286037) teaches a data communication system for data reception.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Hamilton whose telephone number is 703.305.8975. The examiner can normally be reached from Monday to Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703.305.4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Hamilton  
Examiner  
Art Unit 2635  
10 March 2004

KYH

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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